

ORDINANCE NO. 12-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of a portion of a utility and drainage easement; that the applicants have represented to the City of Huntsville that **Michael S. Maloney and wife, Diana L. Maloney**, are the owners of the property across which said easement lies; that said easement or portion being vacated is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA
COUNTY OF MADISON

QUITCLAIM DEED

THIS INDENTURE made and entered into on this 28th day of June, 2012, by and between the CITY OF HUNTSVILLE, a municipal corporation within the State of Alabama, hereinafter referred to as Grantor, and Michael S. Maloney and wife, Diana L. Maloney, hereinafter referred to as Grantees.

WITNESSETH: That the said Grantor for and in consideration of the sum of One and No/100 (\$1.00) Dollars, to it cash in hand paid, the receipt of which is hereby acknowledged, does by these presents remise, release, quitclaim and convey to the said Grantees, FOR AND DURING THEIR JOINT LIVES AND UPON THE DEATH OF EITHER OF THEM THEN TO THE SURVIVOR OF THEM, TOGETHER WITH EVERY CONTINGENT REMAINDER AND RIGHT OF REVERSION, all of its right, title, interest, claim and demand in and to that certain lot or parcel of land situated in the County of Madison County, State of Alabama, described as follows, to-wit:

ALL THAT PART OF LOT 125 OF HAMPTON RIDGE, PHASE 4, AS RECORDED AS INSTRUMENT NUMBER 20070509000330830 IN THE PROBATE RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS COMMENCING AT A 5/8" REBAR WITH LEWIS CAP FOUND AT THE NORTHWEST CORNER OF SAID LOT 125; THENCE, ALONG THE NORTH BOUNDARY OF SAID LOT, NORTH 72 DEGREES 36 MINUTES 43 SECONDS EAST 10.01 FEET; THENCE, INTO SAID LOT, SOUTH 14 DEGREES 26 MINUTES 07 SECONDS EAST 5.01 FEET TO THE INTERSECTION OF A 5-FOOT UTILITY AND DRAINAGE EASEMENT WHICH LIES ALONG THE NORTH BOUNDARY OF SAID LOT AND A 10-FOOT UTILITY AND DRAINAGE EASEMENT WHICH LIES ALONG THE WEST BOUNDARY (REAR) OF SAID LOT; THENCE, ALONG THE EAST BOUNDARY OF SAID 10-FOOT EASEMENT, CONTINUE SOUTH 14 DEGREES 26 MINUTES 07 SECONDS EAST 3.25 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE FROM THE POINT OF BEGINNING, CONTINUE ALONG SAID BOUNDARY OF SAID EASEMENT, SOUTH 14 DEGREES 26 MINUTES 07 SECONDS EAST 70.52 FEET; THENCE, INTO SAID EASEMENT, SOUTH 75 DEGREES 33 MINUTES 53 SECONDS WEST 3.00 FEET; THENCE, CONTINUE INTO SAID EASEMENT, NORTH 14 DEGREES 26 MINUTES 07 SECONDS WEST 70.52 FEET; THENCE NORTH 75 DEGREES 33 MINUTES 53 SECONDS EAST 3.00 FEET TO THE POINT OF BEGINNING, CONTAINING 211.56 SQUARE FEET, MORE OR LESS.

TO HAVE AND TO HOLD the lot or parcel of land above described, for and during their joint lives and upon the death of either of them then to the survivor of them, together with all and singular the rights, privileges, tenements, appurtenances and improvements thereunto belonging or in anywise appertaining, unto the said Grantees, their heirs and assigns, forever.

IN WITNESS WHEREOF, the Grantor has hereunto caused this instrument to be executed on this the day and year first above written.

CITY OF HUNTSVILLE, ALABAMA

By: _____
Its Mayor
Tommy Battle

ATTEST:

By: _____
Its Clerk-Treasurer
Charles E. Hagood

STATE OF ALABAMA
COUNTY OF MADISON

Before me, a Notary Public in and for said County and State, personally appeared Tommy Battle, whose name as Mayor of the City of Huntsville, Alabama, and Charles E. Hagood, whose name as Clerk-Treasurer of the City of Huntsville, Alabama, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this date that, being informed of the contents of said conveyance, they, as such officers and with full authority, executed the same voluntarily, for and as the act of said City of Huntsville, Alabama, on the day same bears date.

GIVEN under my hand and seal on this the 28 day of June, 2012.

Notary Public
My Commission Expires: _____.

This instrument prepared by:
Charles G. Robinson,
Attorney at Law, P.C.
229 East Side Square
Huntsville, Alabama 35801
256.517.1500

Grantee's address:

Ordinance No. 12-_____ (Cont.)
Maloney, Michael S. and Diana L.

ADOPTED this the 28th day of January, 2012.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 28th day of January, 2012.

Mayor of the City of
Huntsville, Alabama